

1 A. I do.

2 Q. Would you please describe it.

3 A. Yes.

4 Prior to being a district attorney investigator for
5 El Dorado County, I was a district attorney investigator for
6 Amador County. Prior to that, I was an information systems
7 specialist for Amador County, where I worked as the IT guy,
8 basically, for the department.

9 During that time, I assisted investigators with
10 high-tech crimes and things of that nature. Went to an
11 academy, got assigned to high-tech crimes in Amador County,
12 and then transferred over here and have been assigned to
13 high-tech crimes for about three years now in El Dorado.

14 Q. Now, do you have -- back in September of last year,
15 did you have occasion to become involved in an analysis of
16 video-related items that stemmed from the investigation of
17 the abduction of [REDACTED] (Jane Doe)?

18 A. Yes.

19 Q. And can you describe just essentially what it was you
20 were asked to do?

21 A. I was presented with a number of destroyed
22 videotapes. Fourteen, specifically, initially. They were
23 Hi-8 videotapes. I was instructed to go to Aerospace in
24 NASA down in the Los Angeles area and work with them to
25 recover the footage that may or may not have been on these
26 videos. The videos were pretty destroyed, so we needed a
27 lab to do that type of work.

28 Q. And describe for us what specifically happened, the

1 process that you went through.

2 A. Well, the process was pretty -- was pretty tedious.
3 These tapes were destroyed using some sort of chemical, and
4 this chemical essentially melted the housing on these tapes.
5 The plastic melted and encased the actual videotape.

6 So they wouldn't work in any player, so we had to
7 pull them apart and, using various techniques and chemicals,
8 unspool the tape and then put them into new housing and then
9 hopefully be able to watch the contents, is essentially the
10 Reader's Digest format.

11 Q. Did anything that you did -- there was a number of
12 people that assisted you in this process?

13 A. That's correct.

14 Q. And it was -- you indicated there was a -- we had the
15 assistance of -- in Southern California of NASA, and there
16 was a number of different people that assisted in terms of
17 this process. Correct?

18 A. Correct.

19 Q. But in all the work that was done, you basically were
20 present and oversaw in both the chain of custody as well as
21 the condition of the various evidence items?

22 A. That's correct.

23 Q. And was there anything that ever took place that
24 would in any way alter or cause somebody to change or
25 anything of that kind of nature?

26 A. No, nothing of that nature. All the work we did to
27 these specific videos, nothing we did would have changed any
28 of the images or altered it in any shape, way, or form.

1 What was on it to begin with and then destroyed, or
2 seemingly destroyed, is exactly what we recovered.

12:02PM 3 Q. Were you able to recover, from each of the tapes, the
4 entire image or the entire series of images that would have
5 been contained in the videos?

6 A. No, not all the time. The damage was pretty
7 extensive. And on the average with the Hi-8 tapes, I
8 probably recovered about 60 percent of the video. Very
9 rarely did I recover any of the audio just because of the
10 way -- the way the tape and the audio tracks lay on the
11 physical tape. So no, to answer your question.

12 Q. So what was the total number of tapes that you looked
13 at?

14 A. Hi-8 tapes?

12 M 15 Q. Well, first the Hi-8 tapes and then the VHS.

16 A. I looked at 14 Hi-8 tapes.

17 Q. And how many VHS tapes?

18 A. 310, I believe.

19 Q. And so there was a significant volume of evidence
12:03PM 20 that was analyzed, and you were essentially the team leader
21 that ran this team that did the extensive amount of work?

22 A. That's correct.

23 Q. And, ultimately, you identified a total of how many
24 that are significant to this investigation?

12:03PM 25 A. Total out of the 310 VHS tapes and 14 Hi-8 tapes,
26 there were 4 Hi-8 tapes that contained evidence pertaining
27 to this particular case and 4 VHS tapes that contained
28 evidence about this case.

1 Q. So I'm going to ask you in terms of -- and just kind
2 of run through the tapes that you identified as being
3 significant. We've identified them using the D.A. evidence
4 number. Where are the tapes? Basically, what happened to
5 them after they were processed? Let me ask you that.

12:04PM

6 A. Well, after we cleaned them and recovered them as
7 best as possible, we took the original tape housing and
8 placed them in a manila envelope. And from there we sealed
9 those envelopes individually and placed those envelopes in
10 our evidence locker.

12:05PM

11 Now, with the rebuilt tapes, if it contained any
12 evidence, I personally locked it up in a safe in the
13 district attorney's office where myself and Investigator
14 Franzen, who testified prior to me, were the only two people
15 with the combination. And the rest of the tapes that didn't
16 contain any evidence were placed in a box in our evidence
17 room.

12 M

18 Q. And just for clarity, the tapes that we're referring
19 to are the ones that were recovered by Investigator -- they
20 were discovered by a detective from the Contra Costa Sheriff
21 's Department and then actually physically recovered and
22 brought into custody here -- they were recovered from the
23 Garrido residence and brought here for processing?

12:05PM

24 A. Well, the 14 Hi-8 tapes and the 81 VHS tapes were
25 initially recovered by the one detective. If you give me a
26 moment, I can tell you his name.

12:05PM

27 UNIDENTIFIED GRAND JUROR: Schiro.

28 THE WITNESS: Thank you.

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Page 125 through Page 140 were removed by Court order.

* * * * *

1 crotch level of this little girl, and the camera was
2 stationary. And when the little girl noticed the camera was
3 recording, she asked Nancy about it. And Nancy deflected
4 and said, "I don't know anything about a camera."

12:43PM

5 And when the girl's father appeared in the scene,
6 Nancy casually draped a jacket over the camera so the dad --
7 seemingly so the dad wouldn't see the camera recording his
8 daughter.

12:43PM

9 Another scene -- I believe Phil and Nancy just bought
10 a new video camera, and they went to a park and found a spot
11 where children were playing in the background on a play
12 structure. Phil gave Nancy some instruction on how to use
13 the videotape and how to pretend to film him while, in fact,
14 filming the children in the background.

12 M

15 The scene continues. Phil plays the guitar, sings a
16 couple of songs, while Nancy is shooting past him on high
17 zoom at the young children playing in the park -- in the
18 park.

12:44PM

19 MR. PIERSON: Okay. And do we have any questions
20 from the grand jury of this witness?

21 Any questions?

22 Q. (BY MR. PIERSON) At any time did you notice what
23 would appear to you to be as though somebody else was
24 present in the room and running the camera?

12:45PM

25 A. All of the screen shots were stationary. They
26 weren't really moving around a lot, and if they were, Phil
27 was out of the frame or you could see Phil's arm holding the
28 camera.

1 At one point where I told you all about the audio
2 that I provided a copy to [REDACTED] (Jane Doe) to identify Phil
3 in, the audio quality was a little poor, and I was unsure if
4 I heard one or two males in the room. But after providing
5 that to [REDACTED] (Jane Doe), she was able to tell us that that
6 was, indeed, Phil, and that's the way he talked. He used
7 multiple voices and things like that.

8 So no, they were all filmed either on a tripod or by
9 Phil.

10 Q. Are you aware of any evidence that Phil sold or
11 broadcasted any of those videos?

12 A. No. I mean, of course it's a possibility, but
13 there's an organization called the National Center for
14 Missing and Exploited Children that have a database of all
15 the child pornography that we've collected, not just in our
16 county but in the country, and we invited a representative
17 from that organization to come down and view redacted
18 portions of the footage and provided them with face shots so
19 they could go back and compare those to the database.

20 And even though their investigation is ongoing and
21 they are still researching -- you know, we find child
22 pornography more and more every day. But so far there's
23 been no hits. So we have no evidence to show that he sold
24 or provided them to anybody, not that we've caught or found
25 yet.

26 MR. PIERSON: Okay. I don't see any other questions.

27 Sir, would you reread the concluding...

28 MR. CLINCHARD: Jim Clinchard.

1 You are admonished not to reveal to any person,
2 except as directed by the court, what questions were asked
3 or what responses were given or any other matters concerning
4 the nature or subject of the grand jury's investigation,
5 which you learned during your appearance -- your appearance
6 before the grand jury unless and until such time as the
7 transcript of this grand jury proceeding is made public.
8 Violation of this admonition is punishable as contempt of
9 court.

10 MR. PIERSON: Okay. We got a little bit of a late
11 start, and we're trying to work out in terms of scheduling.

12 At this point in time we've read the instructions,
13 which is essentially the law that generally covers this part
14 of this case and the determination that you're being asked
15 to make, whether or not there's probable cause to believe
16 that each one of the charged offenses in the indictment are
17 established to that degree.

18 Obviously, in some regards, we have an abundance of
19 evidence, and sometimes someone might reasonably, listening
20 to all of it, think, why are they putting on so much
21 evidence and so much detail? And it's because of the record
22 that we have to establish and protect in terms of this will
23 be looked at later on and perhaps challenged in some way.
24 So that's just by way of explanation.

25 What I have here is a proposed indictment. And the
26 proposed indictment is one for this grand jury to consider.
27 It is essentially the same as the -- very similar to the
28 Complaint that was marked and distributed. It includes at

1 the end a spot for a signature by the foreperson, the grand
2 jury. It's 12 pages in length. It refers to the four
3 witnesses that testified.

4 I can go through in some specific detail the charges
5 and the allegations in there, but I don't -- given the
6 magnitude of the evidence in this case, it's not -- I don't
7 want to belabor the point.

8 What I have here is a chart, for your benefit, just
9 to be viewed so that the jury can consider whether or not
10 the evidence that you heard was consistent with this.

11 Essentially, the way the indictment is laid out is it
12 refers to different periods of time based upon the
13 statements and the testimony of [REDACTED] (Jane Doe) in
14 terms of what happened in the first few weeks, first few
15 months, what happened in the first year, what happened in
16 the first three years, and then going on to -- you know, in
17 a chronological fashion in the way we attempted to do that.

18 Essentially, that's what it involves. It goes from
19 the initial kidnapping and forward.

20 As to Nancy, the evidence is essentially that she was
21 an active participant in the original abduction, as she
22 indicated to [REDACTED] (Jane Doe) later on, as she
23 testified to.

24 And then she is -- what the evidence demonstrated, I
25 think, clearly -- and you were instructed on what's called
26 aider and abettor liability in terms of where you assist or
27 instigate, encourage, or in some way facilitate a crime,
28 you're legally responsible not only for the target crime, or

1 the original crime, that being kidnapping, but you're
2 responsible for the natural and probable consequences of
3 that.

4 In other words, to -- not to belabor the point, if
5 you were to participate with a person who you know has
6 previously been convicted of kidnapping and sexual assaults,
7 and you go out and kidnap an 11-year-old girl, under these
8 circumstances and all the other evidence you heard, it is an
9 overwhelming, reasonable conclusion that she knew what was
10 going on. And I think that was clear from the testimony
11 of -- just the reasonable circumstances as well as the
12 testimony of [REDACTED] (Jane Doe).

13 So I don't want to belabor the point anymore. We
14 will provide you with a copy of the instructions that were
15 read earlier. We will also provide you, through the
16 foreperson, copies for post indictment to be considered.

17 You can consider an indictment like this -- just in
18 terms of having done several of these, sometimes the jurors
19 will consider the evidence, and they need a fair amount of
20 time to go through and talk about the individual counts.
21 And sometimes it's, frankly, we've walked out and they've
22 said, "Come back."

23 So it's really your decision in terms of how much
24 time that you think you need to consider that evidence, to
25 evaluate the evidence, and make that determination.

26 Do we have any questions at this point?

27 So at this point the Court -- what has -- the jurors
28 have to -- the 19 that are available that have heard all of

1 the evidence, at least 12 have to agree as to the
2 sufficiency of the evidence, and that is the test. If all
3 19 agree, obviously, that's fine, too, but the minimum
4 requirement is 12.

12:52PM

5 Any questions?

6 GRAND JUROR GR07 [REDACTED]: Is that it for the
7 witnesses?

8 MR. PIERSON: In this case.

9 GRAND JUROR GR07 [REDACTED]: I'm sorry. [REDACTED]

12:53PM

10 [REDACTED] (Grand Juror GR07).

11 GRAND JUROR GR12 [REDACTED]: [REDACTED]
12 (Grand Juror GR12).

13 When you refer to "this case," is this just a piece
14 of what we're going to be listening to?

12 M

15 MR. PIERSON: As I indicated before, we've
16 anticipated a separate, completely unrelated case that you
17 would be asked to consider returning an indictment on next
18 week. So this is just one separate deal that you've heard
19 the evidence on, and it relates to making this
20 determination.

12:53PM

21 Any other questions?

22 GRAND JUROR GR14 [REDACTED]: [REDACTED] (Grand Juror
23 GR14). I wasn't able to hear some of her testimony. When
24 we went on that five-minute break just before we went to
25 lunch and were passing papers around and so forth, I missed
26 the part about where she was talking about something Nancy
27 told her that indicated that Nancy was there at the original
28 kidnapping. I just wasn't able to hear it.

12:53PM

1 Is there some way I can read it in a transcript or
2 something?

3 MR. PIERSON: The court reporter can read back any
4 section that the grand jury thinks that needs to be read
5 back.

12:54PM

6 GRAND JUROR GR14 [REDACTED]: Because I know you
7 specifically asked her that to clarify. I didn't hear her
8 testimony leading up to that.

9 MR. PIERSON: And that's something where, as you
10 consider this proposed indictment, it's really -- it's
11 your -- you can listen to all of the evidence again, the
12 transcript. You can listen to a little bit. You can listen
13 to as much or as little as you want to. It's really a
14 determination to be made by the body in terms of what
15 evidence you need to look at individually, separately. You
16 have to do it collectively. But any readback like that is
17 free to you.

12:54PM

12 M

18 GRAND JUROR GR18 [REDACTED]: [REDACTED] (Grand
19 Juror GR18).

20 MR. PIERSON: Yes, sir?

12:54PM

21 GRAND JUROR GR18 [REDACTED]: How many counts are
22 there?

23 MR. PIERSON: 18.

24 Any other questions?

12:54PM

25 So we will now leave ourselves, the court reporter.
26 The court reporter is available to do any readback that you
27 might think is necessary. And we will be available to
28 answer any questions that you think are --

1 GRAND JUROR GR12 [REDACTED]: [REDACTED]
2 (Grand Juror GR12).

3 Is it normal that you just start going down the
4 various counts and then read them out and --

12:55PM

5 MR. PIERSON: That is something that's completely up
6 to the grand jury's discretion. That's something that you
7 all collectively decide how -- what manner that you want to
8 proceed.

12:55PM

9 GRAND JUROR GR07 [REDACTED]: You don't have to do
10 it that way, though? Can you go right from the start?

11 MR. PIERSON: That is completely up to the grand
12 jury.

13 GRAND JUROR GR07 [REDACTED]: Thank you.

12 M

14 MR. PIERSON: It's just a question of what
15 information -- however you want to handle it, it's your
16 decision.

17 GRAND JUROR GR07 [REDACTED]: [REDACTED] (Grand
18 Juror GR07) again.

12:55PM

19 So you're telling me that we don't have to go through
20 every one of the counts to find our decision. Right?

21 MR. PIERSON: Well, you have to --

22 GRAND JUROR GR07 [REDACTED]: I mean, we have to
23 decide on each one of them, but we don't have to go through
24 each one of them and read each one of them.

12:55PM

25 MR. PIERSON: Exactly. If you look through them and
26 you've all seen the charges, you can make a decision
27 individually; you can make a decision collectively.
28 However -- that's your decision.

1 Does that make sense?

2 GRAND JUROR GR07 [REDACTED]: It does.

3 GRAND JUROR GR06 [REDACTED]: [REDACTED] (Grand Juror
4 GR06).

12:56PM

5 If we rule on some counts as actionable and others
6 are not, do you modify that? How does that work?

7 MR. PIERSON: What the indictment is is a proposed
8 indictment. If the grand jury decides we like this count
9 but we don't like that count, we want to add this count or
10 subtract, that's something that is completely in your
11 discretion.

12:56PM

12 Okay. A lot of questions.

13 (Proceedings were in recess from

14 2:57 p.m. until 3:49 p.m.)

15 ---oOo---

16 MR. PIERSON: I'm present with all of the grand
17 jurors, and you've just asked us to come back. The
18 foreperson has handed me back a copy of the -- what was the
19 proposed indictment, which is signed on the last page by the
20 foreperson.

13:49PM

21 At this point we're going to try and check with Judge
22 Wagoner in terms of what his schedule is and availability.
23 Jim Clinchard is trying to get him on the phone right now,
24 and we'll know in just a second. So if you could stand by
25 for a few minutes.

13:49PM

26 (Proceedings were in recess from

27 3:50 p.m. until 4:05 p.m.)

28 ---oOo---

1 THE COURT: All right. We're on the record in the
2 matter of the grand jury indictment.

3 Good afternoon, ladies and gentlemen. Would the
4 clerk please call the role of the grand jury.

14:05PM

5 THE CLERK: Yes, I will.

6 [REDACTED] (Grand Juror GR01)?

7 GRAND JUROR GR01 [REDACTED]: Here.

8 THE CLERK: [REDACTED] (Grand Juror
9 GR02)?

14:05PM

10 GRAND JUROR GR02 [REDACTED]: Here.

11 THE CLERK: [REDACTED] (Grand Juror GR03)?

12 GRAND JUROR GR03 [REDACTED]: Here.

13 THE CLERK: [REDACTED] (Grand Juror GR04)?

14 GRAND JUROR GR04 [REDACTED]: Here.

14 M

15 THE CLERK: [REDACTED] (Grand Juror GR05)?

16 GRAND JUROR GR05 [REDACTED]: Here.

17 THE CLERK: [REDACTED] (Grand Juror GR06)?

18 GRAND JUROR GR06 [REDACTED]: Here.

19 THE CLERK: [REDACTED] (Grand Juror GR07)?

14:05PM

20 GRAND JUROR GR07 [REDACTED]: Here.

21 THE CLERK: [REDACTED] (Grand Juror GR08)?

22 GRAND JUROR GR08 [REDACTED]: Here.

23 THE CLERK: [REDACTED] (Grand Juror GR09)?

24 GRAND JUROR GR09 [REDACTED]: Here.

14:05PM

25 THE CLERK: [REDACTED] (Grand Juror GR10)?

26 GRAND JUROR GR10 [REDACTED]: Here.

27 THE CLERK: [REDACTED] (Grand Juror GR11)?

28 GRAND JUROR GR11 [REDACTED]: Here.

1 THE CLERK: [REDACTED] (Grand Juror GR12)?
2 GRAND JUROR GR12 [REDACTED]: Here.
3 THE CLERK: [REDACTED] (Grand Juror GR13)?
4 GRAND JUROR GR13 [REDACTED]: Here.
5 THE CLERK: [REDACTED] (Grand Juror GR14)?
6 GRAND JUROR GR14 [REDACTED]: Here.
7 THE CLERK: [REDACTED] (Grand Juror GR15)?
8 GRAND JUROR GR15 [REDACTED]: Here.
9 THE CLERK: [REDACTED] (Grand Juror GR16) -- not
10 here.
11 [REDACTED] (Grand Juror GR17)?
12 GRAND JUROR GR17 [REDACTED]: Here.
13 THE CLERK: [REDACTED] (Grand Juror GR18)?
14 GRAND JUROR GR18 [REDACTED]: Here.
15 THE CLERK: [REDACTED] (Grand Juror GR19)?
16 GRAND JUROR GR19 [REDACTED]: Here.
17 THE CLERK: [REDACTED] (Grand Juror AGR01)?
18 GRAND JUROR AGR01 [REDACTED]: Here.
19 MR. CLINCHARD: The rest of the alternates are not
20 here.
21 MR. PIERSON: There are two alternates substituted
22 for that based upon this morning.
23 THE CLERK: I'm going to go through the names, then.
24 [REDACTED] (Alternate Grand Juror AGR02)?
25 No.
26 [REDACTED] (Alternate Grand Juror AGR03)?
27 [REDACTED] (Alternate Grand Juror AGR04)?
28 [REDACTED] (Alternate Grand Juror AGR05)?

14:06PM

14:06PM

14 M

14:06PM

14:06PM

1 [REDACTED] (Alternate Grand Juror AGR06)?

2 [REDACTED] (Alternate Grand Juror AGR07)?

3 [REDACTED] (Alternate Grand Juror AGR08)?

4 [REDACTED] (Alternate Grand Juror AGR09)?

14:07PM

5 [REDACTED] (Alternate Grand Juror AGR10)?

6 [REDACTED] (Alternate Grand Juror AGR11)?

7 [REDACTED] (Alternate Grand Juror AGR12)?

8 MR. PIERSON: I think there was actually one from the
9 corrected list that you have.

14:07PM

10 THE CLERK: Okay. That's fine.

11 THE COURT: All right. Let the record show that the
12 19 grand jurors are present.

13 Where is our foreperson?

14 There he is. Mr. Foreperson, do you have an
15 indictment to present to the Court?

14 M

16 GRAND JUROR GR12 [REDACTED]: Yes. [REDACTED]

17 [REDACTED] (Grand Juror GR12).

18 The grand jury is calling for an indictment on all 18
19 counts.

14:07PM

20 THE COURT: All right. I'll take the indictment from
21 you here.

22 All right. Mr. Foreperson, did 12 or more grand
23 jurors receive all of the evidence pertinent to this
24 indictment?

14:08PM

25 GRAND JUROR GR12 [REDACTED]: They did.

26 THE COURT: And did the same 12 or more grand jurors
27 participate in the deliberations on the indictment?

28 GRAND JUROR GR12 [REDACTED]: Yes.

1 THE COURT: And did those same 12 or more grand
2 jurors vote to return this indictment?

3 GRAND JUROR GR12 [REDACTED]: They did.

14:08PM

4 THE COURT: All right. Let the record show that the
5 foreperson of the grand jury has presented the indictment,
6 and I'll assign a Case No. P10CRF0364.

7 Let the record further show that the indictment also
8 contains a list of the witnesses in the case.

14:08PM

9 The Court finds the indictment to be a true bill, and
10 the clerk is ordered to file the indictment.

11 Now, did the witnesses that are listed here testify
12 before the grand jury?

13 GRAND JUROR GR12 [REDACTED]: [REDACTED]
14 (Grand Juror GR12).

14 M

15 Yes, they did.

16 THE COURT: And did any other witnesses testify other
17 than the four listed here?

18 GRAND JUROR GR12 [REDACTED]: [REDACTED]
19 (Grand Juror GR12).

14:09PM

20 No.

21 THE COURT: All right. And so we'll file this.

22 All right. The defendants are currently in custody.

14:09PM

23 I will set the bail in the -- as to the indictment at no
24 bail for each of the defendants. I would suggest
25 October 4th for the arraignment date in Department 7.

26 MR. PIERSON: I have a hearing with both defendants
27 and their attorneys scheduled for this --

28 MR. CLINCHARD: Thursday at 11:00 a.m.

1 MR. PIERSON: And we would ask for it to be scheduled
2 and it to be changed to that date, if necessary, at the
3 convenience of Department 7.

4 THE COURT: I'll set the arraignment, then, on the
5 indictment for Thursday, September the 30th, at 11:00 a.m.

6 MR. CLINCHARD: Two days, the 23rd.

7 MR. PIERSON: We're going to be in court anyway. And
8 if the Court wants to change -- if Judge Phimister wants to
9 change it and delay it, then we can obviously do it at that
10 time, rather than setting another date and not know --

11 THE COURT: We have to have the transcript prepared.
12 It will take more than a couple of days.

13 What I will do is I will order it on the 30th. What
14 time is your hearing on the 30th?

15 MR. CLINCHARD: No. The hearing is on the 23rd right
16 now, is what the current date is, the next court date, this
17 Thursday.

18 THE COURT: It's my understanding there was also one
19 on the 30th. Maybe I got misinformation as to the date.

20 MR. PIERSON: And, Your Honor, that was our --
21 because that's the next available date, and I know counsel's
22 scheduled to be there, and we can -- if there needs to be a
23 delay from that point, given the court reporter's
24 transcript, the Court could reset it.

25 THE COURT: We have to keep everything sealed until
26 the arraignment.

27 MR. PIERSON: And that could be -- there were
28 successive dates that are set. So I'm not sure if that's

1 correct.

2 THE COURT: I was talking to Judge Phimister earlier
3 today, the source of my information. We'll see if
4 Mr. Clinchard can verify that.

14:11PM 5 MR. PIERSON: Your Honor, for scheduling while we're
6 just trying to verify the date, we had originally
7 anticipated putting on a completely separate case next week.
8 That is up in the air right now.

14:12PM 9 I've asked the grand jurors, in terms of scheduling,
10 what's their availability for scheduling. It seems to be
11 that Monday is the -- would be the best date scheduling-wise
12 to do that.

13 So our request would be that the grand jury not be
14 discharged at this time but be asked to return on Monday,
14 M 15 and then we could make a final determination and perhaps
16 discharge them at that point.

17 THE COURT: Okay. Is that agreeable with everyone?
18 (Grand jurors nod.)

19 THE COURT: All right. Then at the conclusion of
14:12PM 20 this matter, I will not be discharging you but direct that
21 you return here to this room on Monday, September the 27th,
22 at --

23 MR. PIERSON: 9:00 a.m.

24 THE COURT: 9:00 a.m. All right.

14:12PM 25 MR. CLINCHARD: The next currently scheduled court
26 date is the 23rd, in two days, at 11:00 a.m. And then
27 there's currently a prepreliminary hearing set for
28 October 1st at 1:00 p.m.

1 THE COURT: I'll set the arraignment, then, for
2 October 1st, 2010, at 1:00 p.m. in Department 7.

3 All right. Anything else for us today? Any other
4 business for the Court?

14:13PM

5 All right. Hearing none, then we'll be in recess,
6 and you'll be back on next Monday, perhaps. I'll set that
7 as the next date.

8 UNIDENTIFIED GRAND JUROR: Do we call in?

14:14PM

9 MR. PIERSON: Does the Court need them to actually
10 formally come back in to be discharged?

11 THE COURT: No. If you're not going to be making any
12 more presentations to the grand jury, you can just notify
13 them not to come in, and I will issue a minute order
14 discharging them.

14 M

15 Thank you.

16 You're under the admonition not to disclose what
17 happened here, forever.

14:15PM

18 MR. PIERSON: Your Honor, I neglected to say we need
19 an order from the Court for all of the evidence to be turned
20 over to the D.A.'s office and held in evidence in the D.A.'s
21 office. The notepads -- the juror notepads to be collected
22 and their individual notes, or they are destroyed by the
23 court, I believe.

14:15PM

24 THE COURT: Yes. Any individual notes, if you'll
25 collect those and bring those to the court, we will destroy
26 those notes.

27 All right. And I'll make the order in P10CRF0364 any
28 evidence that was presented to the grand jury has to be

1 returned to the district attorney's office for safekeeping
2 or until further order of the Court.

3 MR. PIERSON: Thank you, Your Honor.

4 THE COURT: All right. Court's in recess.

5 (Proceedings were concluded at 4:15 p.m.)

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